

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON TALCUM  
POWDER PRODUCTS MARKETING, SALES  
PRACTICES, AND PRODUCTS LIABILITY  
LITIGATION**

**MARY BEST,**

Plaintiff,

v.

**JOHNSON & JOHNSON, and JOHNSON &  
JOHNSON CONSUMER INC., et al.**

Defendants.

**MDL No. 2738 (FLW) (LHG)  
JUDGE FREDA L. WOLFSON  
MAG. JUDGE LOIS H. GOODMAN**

**COMPLAINT AND JURY DEMAND**

Civil Action No: **24-cv-4323**

**DIRECT FILED ACTION**

**SHORT FORM COMPLAINT AND JURY DEMAND**

The Plaintiff named below files this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long Form Complaint in In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff files this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

**IDENTIFICATION OF PARTIES**

**Identification of Plaintiff(s)**

1. Name of individual injured due to the use of talcum powder product(s): Mary Best.

2. At the time of the filing of the specific case, Plaintiff is a citizen of Springfield, Robertson County, Tennessee.

3. As a result of using talcum powder products, Plaintiff suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

- injury to herself
- injury to the person represented
- wrongful death
- survivorship action
- economic loss
- loss of services
- loss of consortium
- other: \_\_\_\_\_

**Identification of Defendants:**

4. Plaintiff is suing the following Defendants (please check all that apply)<sup>1</sup>:

- Johnson & Johnson
- Johnson & Johnson Consumer Inc.

**Additional Defendants:**

- Other(s) Defendant(s) (please specify): LLT Management, LLC f/k/a LTL Management, LLC., Johnson & Johnson Holdco (NA) Inc., Janssen Pharmaceuticals, Inc., and Kenvue, Inc.

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<sup>1</sup> If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

## **JURISDICTION & VENUE**

### **Jurisdiction:**

5. Jurisdiction in this Short Form Complaint is based on:

- Diversity of Citizenship
- Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

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6. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: U.S. District Court, Middle District of Tennessee, Nashville Division.

## **CASE SPECIFIC FACTS**

7. Plaintiff currently resides in Springfield, Robertson County, Tennessee.

8. At the time of the Plaintiff's diagnosis with a talcum powder product(s) injury, Plaintiff resided in Springfield, Robertson County, Tennessee.

9. The Plaintiff was diagnosed with a talcum powder product(s) injury in Nashville, Tennessee on August 4, 2020.

10. To the best of Plaintiff's knowledge, Plaintiff began using talcum powder product(s) on or about the following date: 1988 and continued the use of talcum powder products through about the following date: 2018.

11. The Plaintiff purchased talcum powder products in the following state(s): Texas.

12. Plaintiff used the following talcum powder products:

- Johnson & Johnson's Baby Powder
- Shower to Shower

## **CAUSES OF ACTION**

13. Plaintiff hereby adopts and incorporates by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

14. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- Count IV: Products Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)
- Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- Count VIII: Negligence (Against Imerys Talc)
- Count IX: Negligence (Against the Johnson & Johnson Defendants)
- Count X: Negligence (Against PCPC)
- Count XI: Negligence Misrepresentation (Against the Johnson & Johnson Defendants)
- Count XII: Fraud (Against the Johnson & Johnson Defendants)
- Count XIII: Fraud (Against PCPC)
- Count XIV: Violation of State Consumer Protection Laws of the State of Indiana (Against the Johnson & Johnson Defendants).
- Count XV: Fraudulent Concealment (Against Imerys Talc)

- Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- Count XVII: Fraudulent Concealment (Against PCPC)
- Count XVIII: Civil Conspiracy (Against All Defendants)
- Count XIX: Loss of Consortium (Against All Defendants)
- Count XX: Punitive Damages (Against All Defendants)
- Count XXI: Discovery Rule and Tolling (Against All Defendants)
- Count XXII: Wrongful Death (Against All Defendants)
- Count XXIII: Survival Action (Against All Defendants)
- Furthermore, Plaintiff(s) assert the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure.

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**WHEREFORE**, Plaintiff prays for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all claims in this action.

Dated: March 28, 2024

Respectfully submitted:



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MICHAEL GOETZ, ESQUIRE  
Florida Bar No. 963984  
Morgan & Morgan  
Complex Litigation Group  
One Tampa City Center, 7<sup>th</sup> Floor  
201 N. Franklin Street  
Tampa, Florida 33602  
Telephone (813) 223-5505  
Facsimile (813) 223-5402  
E-Mail: [MGoetz@forthepeople.com](mailto:MGoetz@forthepeople.com)  
Counsel for Plaintiff

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Mary Best

(b) County of Residence of First Listed Plaintiff Springfield, TN  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Morgan & Morgan, Complex Litigation Group, One Tampa City Center,  
7th Floor, 201 N Franklin St., Tampa, FL 33602, (813-223-5505)

## DEFENDANTS

Johnson &amp; Johnson, and Johnson &amp; Johnson Consumer Inc.,

County of Residence of First Listed Defendant Middlesex

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input checked="" type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<a href="#">Click here for: Nature of Suit Code Descriptions.</a>
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input checked="" type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28:1332 pl (28:1332 Diversity-Product Liability)

## VI. CAUSE OF ACTION

Brief description of cause:  
New Member Case In Re: Johnson & Johnson, et al., Products Liability Litigation

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION      DEMAND \$      CHECK YES only if demanded in complaint:  
UNDER RULE 23, F.R.Cv.P.      JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Freda L. Wolfson

DOCKET NUMBER MDL 2738

DATE

03/28/2024

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michael Goetz

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE